UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,214	02/19/2008	Daniel Crespo-Dubie	K3831.0170/P170-PC	9829

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EXAMINER
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ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/580,214	CRESPO-DUBIE ET AL.
Office Action Summary	Examiner	Art Unit
	CHRISTOPHER D. BIAGINI	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 September 2010</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.
　　4a) Of the above claim(s) <u>8 and 9</u> is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-7</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All   b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

This communication is in response to the amendment filed September 30, 2010. Claims 1 and 3-7 were amended. Claims 1-9 are pending, with claims 8 and 9 withdrawn as being directed to a nonelected invention.

Response to Arguments

Applicant's arguments with respect to the rejection of claims 5-7 under 35 USC 101 have been fully considered and are persuasive. Accordingly, the rejection is withdrawn.

Applicant's arguments with respect to the rejection of claims 1-7 under 35 USC 103(a) have been fully considered but are not persuasive. Applicant argues in substance (see p. 6) that the combination of Thorsteinsson, Modest, and Hayashi fails to teach or suggest the subject matter of the independent claims because Thorsteinsson resolves conflicts "based on requests to access the same resource simultaneously," not "based on instructions to change a state of a home node according to said central server inputs and instruction to change said state of said home node according to said client server inputs." Applicant's argument is unclear. The Examiner respectfully submits that the requests to access the resources *are* instructions to change a state of a home node. First, Thorsteinsson contemplates that "commands may be addressed to devices directly, or indirectly through a lock object" (see [0072]) and "Direct invocations of commands…can be construed as being equivalent to an invocation with a lock object of the lowest priority and a duration equal to the time it takes to invoke the command." Next, these commands represent instructions to change the state of a home node (for example, instructions to

set a thermostat to a particular temperature: see [0107]). These instructions are received from a

remote central server (central portal 110: see Fig. 1 and [0055]) and locally (see [0106]).

Thorsteinsson does not explicitly show that the local inputs are received from a "client server,"

but Modeste shows a home control system with a client server that both generates local inputs

and receives remote inputs (gateway 30: see Fig. 1, [0036], [0079], and [0082]-[0083]). The

inputs of Modeste, too, are instructions to change the state of a home node (for example, the

on/off state of a light: see [0079]). As explained in the previous action, it would have been

obvious to one of ordinary skill in the art at the time of the invention to modify the system of

Thorsteinsson to use a client server as taught by Modeste in order to relieve the central server

from having to manage the home nodes directly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub.

No. 2003/0105854 to Thorsteinsson et al. (hereinafter "Thorsteinsson") in view of US Pub.

No. 2003/0056012 to Modeste et al. (hereinafter "Modeste"), and further in view of

European Patent Application EP 1 089 180 to Hayashi et al. (hereinafter "Hayashi").

Regarding claim 1, Thorsteinsson shows a home control system comprising:

- a central server *(central portal 110: see Fig. 1 and [0055])*;

- a client intermediary located in a home *(gateway device 112: see Fig. 1 and [0054])*;

- a plurality of home nodes connected to the client intermediary *(e.g., nodes 113, such as devices and appliances: see [0051] and [0053])*;

- a conflicts manager *(e.g., the "Conflict Resolution Mechanism": see Fig. 15, [0069], [0072], and [0080])* for receiving inputs from said central server *(e.g., scheduled events or inputs from a user using the central portal: see Figs. 4 and 8, [0086], and [0104])* and said client intermediary *(e.g., inputs from a user at a client site: see Fig. 9 and [0106])*; and

- wherein said conflicts manager applies logic *(e.g., the conflict resolution logic: see Fig. 15, [0072], and [0080])* in order to resolve conflicts based on instructions to change a state of a home node according to said central server inputs *(e.g., a scheduled event to start recording on a VCR: see [0104])* and instructions to change said state of said home node according to said client intermediary inputs *(e.g., a command issued by a local user: see [0077], [0080], and [0106])*.

Thorsteinsson does not explicitly show:

- that the client intermediary is a server;

- a conflicts specification manager for receiving specifications describing how to resolve conflicts between said central server and said client server; and

- wherein said conflicts manager applies said specifications in order to resolve the conflicts.

Modeste shows a home control system where a client intermediary is a client server (*Gateway 30: see Fig. 1 and [0036]*). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thorsteinsson to use a client server as taught by Modeste in order to relieve the central server from having to manage the home nodes directly.

Hayashi shows a conflict specification manager for receiving specifications describing how to resolve conflicts *(e.g., the component of policy manager 2 which receives policy data: see Figs. 1 and 5, [0014], [0020], and [0024])*, and wherein a conflict manager *(e.g., policy application operation section 42)* applies said specifications in order to resolve conflicts based on different inputs *(see Fig. 3 and [0029])*. It would have been obvious to one of ordinary skill in the art to further modify the system of Thorsteinsson to use a specification-based conflict resolution system as taught by Hayashi in order to provide more flexibility for users to specify how conflicts should be resolved.

Regarding claim 2, the combination shows the limitations of claim 1 as applied above, and further shows wherein said inputs comprise server activities *(e.g., scheduled events or inputs from a user using the central portal: see Thorsteinsson, Figs. 4 and 8, [0086], and [0104])* and client activities *(e.g., inputs from a user at a client site: see Thorsteinsson, Fig. 9 and [0106])*.

Regarding claim 3, the combination shows the limitations of claim 1 as applied above,
and further shows a conflicts manager manager which controls said conflicts manager for a
plurality of client homes *(e.g., note that policy manager 2 provides policy data to multiple policy
application operation sections: see Hayashi, [0015]-[0017])*. See also paragraph [0053] of
Thorsteinsson, which describes that the system controls multiple client sites.

Regarding claim 4, the combination shows the limitations of claim 2 as applied above,
and further shows wherein said conflicts manager synchronizes said server activities and client
server activities and sets a state for said home control system based on said resolved conflicts
*(e.g., by issuing the command that wins the conflict resolution process: see [0073] of
Thorsteinsson and [0029] of Hayashi)*.

Regarding claim 5, Thorsteinsson shows a method for providing state based control
comprising:

- receiving activity inputs from a first server device *(e.g., scheduled events or
  inputs from a user using the central portal: see Figs. 4 and 8, [0086], and
  [0104])*;

- obtaining activity inputs from a second device *(e.g., inputs from a user at a client
  site: see Fig. 9 and [0106])*;

- comparing said inputs from said first server device to said inputs from said second
  device in order to determine whether or not a conflict exists *(see Fig. 15, [0072],
  and [0080])*;

- resolving a conflict *(e.g., by executing the conflict resolution process: see Fig. 15, [0072], and [0080])* based on instructions to change a state of a home node according to said inputs from said first server device *(e.g., a scheduled event to start recording on a VCR: see [0104])* and instructions to change said state of said home node according to said inputs from said second device *(e.g., a command issued by a local user: see [0077], [0080], and [0106])*; and

- re-synchronizing said first server device and said second device based upon said resolution *(e.g., by issuing the command that wins the conflict resolution process: see [0072] and [0080])*.

Thorsteinsson does not explicitly show:

- that the second device is a server;

- providing specifications unit including a plurality of specifications, wherein said specification contain resolution rules for conflicts between said first and said second server devices; and

- that the conflict is resolved by applying said specifications.

Modeste shows a home control system where a client intermediary is a server *(e.g, gateway 30: see Fig. 1 and [0036])*. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thorsteinsson to use a client server as taught by Modeste in order to relieve the central server from having to manage the home nodes directly.

Hayashi shows a specifications unit for receiving specifications which contain resolution rules for conflicts between first and second inputs *(e.g., the component of policy manager 2 which receives policy data: see Figs. 1 and 5, [0014], [0020], and [0024])*, applying said

specifications in order to resolve conflicts based on different inputs *(see Fig. 3 and [0029])*, and re-synchronizing first and second devices based on said resolution *(see [0031])*. It would have been obvious to one of ordinary skill in the art to further modify the system of Thorsteinsson to use a specification-based conflict resolution system as taught by Hayashi in order to provide more flexibility for users to specify how conflicts should be resolved.

Regarding claim 6, the combination shows the limitations of claim 5 as applied above, and further shows wherein said inputs from said first and second server devices represent commands for physical devices located in a home *(e.g., appliances and other devices: see Thorsteinsson, [0051])*.

Regarding claim 7, the combination shows the limitations of claim 6 as applied above, and further shows wherein said conflict is determined based upon said inputs comprising multiple commands for the same physical device *(e.g., a thermostat: see Thorsteinsson, [0107])*.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRISTOPHER D. BIAGINI whose telephone number is

(571)272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/HASSAN PHILLIPS/
Primary Examiner, Art Unit 2445